IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 517 of 1999
with
Civil Application No.705 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.H.KADRI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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CHIEF BUILDING ENGINEER

Versus

HEIRS OF PATEL PARSHOTTAMDAS KALIDAS

Appearance:
MR HARDIK C RAWAL for Petitioner No. 1
MR GM AMIN for Respondent No. 1
Mr.K.P.Rawal, AGP, for respondent No.2

CORAM : MR.JUSTICE M.H.KADRI

Date of decision: 11/07/2001

ORAL JUDGEMENT

1. Admitted. Mr. G.M. Amin, learned counsel, waives service of notice on behalf of heirs of respondent No.1 (original claimant), being respondents Nos.1/1 to 1/7. Learned Assistant Government Pleader, Mr. K.P.

Rawal, waives service of notice on behalf of respondent No.2 At the request of learned counsel appearing for the parties, this appeal is taken up for final hearing today.

2. Learned advocates for the parties have supplied relevant documents for my consideration for the purpose of deciding this appeal.

3. Having heard learned advocates for the parties, in my opinion, the appeal has no merit and deserves to be dismissed.

4. Agricultural lands of the claimant bearing survey No.2252 situated at Nadiad came to be acquired for the public purpose of Gujarat State Road Transport corporation Workshop of Nadiad by issuance of notification under Section 4(1) of the Land Acquisition Act, 1894, ('Act' for short) which was published on July 30, 1989. The Land Acquisition Officer, after following usual procedure, made his award on September 23, 1986 and awarded compensation of acquired lands at the rate of Rs.300 per Are. In the reference filed by the claimant under Section 18 of the Act, being Land Reference Case No.159 of 1987, the learned 2nd Extra Assistant Judge, Kheda, at Nadiad, by relying upon the previous award in respect of the adjoining acquired lands bearing Survey Nos.2253 and 2251 for which the Reference Court had awarded Rs.22/- per sq.mtr, determined market value of the present acquired land at the rate of Rs.20/- per sq.mtr. by judgment and order dated December 31, 1997. In my opinion, the Reference Court has not committed any error in determining the market value of the present acquired lands at the rate of Rs.20/- per sq.mtrs. as on July 30, 1989. The Reference Court has taken into consideration the situation of the present acquired land as compared to the earlier acquired lands. Under the circumstances, I am of the opinion that no ground is made out by learned counsel for the appellant to interfere with the impugned award in this appeal.

5. For the foregoing reasons, the appeal fails and is dismissed with no order as to costs.

6. As the appeal is dismissed, Civil application No.705 of 1999 does not survive and stands disposed of accordingly. Learned advocate, Mr. G.M. Amin, for respondents Nos.1/1 to 1/7, has stated that the appellant had already deposited amount awarded in the Reference Court. The Reference Court is, therefore, directed to disburse the amount to the original claimants, forthwith.

July 11, 2001 (M.H. Kadri, J.)
(swamy)
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